

REAL ESTATE & FACILITIES FEDERAL ACQUISITION REGULATION SUPPLEMENT

PART 233—PROTESTS, DISPUTES, AND APPEALS

SUBPART 233.1—PROTESTS

233.102 General.

(a) The Contracting Officer shall notify the Office of General Counsel within one day when a protest is received. The Contracting Officer shall provide a concurrent copy of the protest, statement, agency report, and GAO office decision to the Policy & Contract Review Branch. The Policy & Contract Review Branch shall maintain a log of all protests on REFCO Form 40, Protest Log, and shall maintain a file to determine if changes in policies, procedures, or training are needed.

233.103 Protests to the agency.

(b) Most agency protests received at RE&F are likely to involve awards that exceed the simplified acquisition threshold, but protests involving simplified acquisitions are also possible. Contracting Officers receiving telephonic complaints should attempt to resolve them, but must not provide information that is restricted under Freedom of Information Act, or information that may give an advantage to the complainant in current or future acquisitions.

233.103(S-90) Protests to the agency for RE&F.

(a) The Contracting Officer shall submit the protest, statement, and contract file to the WHS Office of General Counsel for a recommended resolution. Upon receipt of the WHS Office of General Counsel's recommendations, the Contracting Officer shall decide whether or not to uphold the protest. The Contracting Officer's decision requires review and approval at least one level above that of the Contracting Officer. After approval, the Contracting Officer will notify the protester of the decision in writing, including appeal rights.

(b) The Contracting Officer shall provide a concurrent copy of the protest, statement, and decision to the Policy & Contract Review Branch.

233.104 Protests to GAO.

(a)(3)(i) Upon notification or receipt of a copy of the protest, the Contracting Officer shall immediately contact the WHS Office of General Counsel. The Contracting Officer shall promptly provide the WHS Office of General Counsel with information needed to resolve the protest. The WHS Office of General Counsel will prepare the agency's report to the GAO.

(b)(1) The Contracting Officer shall prepare a Determination and Findings for signature by the HCA, if an award is determined to be necessary and the conditions at FAR 33.104(b)(1)(i) and (ii) are present. The WHS Office of General Counsel shall review the Determination & Finding before submission to the HCA for signature.

(c)(2) The Contracting Officer shall prepare a Determination and Findings for signature by the HCA if continued performance is determined to be necessary and either of the conditions at FAR 33.104(c)(2)(i) or (ii) is present. The WHS Office of General Counsel shall review the Determination & Findings before submission to the HCA for signature.